IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.983 OF 2006
Along with
Civil Application no.182 of 2006

Dindayal Khairatiram Kamwal, .. Appellant.
Vs
Brihan Mumbai Municipal
Corporation and Anr. .. Respondents.

Mr S.S.Patwardhan a/w Mr P.J.Pandit, for the appellant.
Mr J.J.Xavier, for the respondent-BMC.

CORAM : D.B.BHOSALE,J.
DATE : 15.11.2006

PC:

1. Heard the learned counsel for the parties.

2. Mr Patwardhan, learned counsel for the appellant, on instruction from the instructing lawyer and the client who are present in the court, does not press this appeal and seeks liberty to the appellant to approach the respondent-Municipal Corporation with representation bringing to the notice of the corporation the unauthorised construction made by defendant no.2-Banwarilal Khairatiram Kamwal and seeking an appropriate action against the said structure. The Appeal along with the application is disposed of as not pressed, with liberty as prayed for.

3. If a representation, as aforestated, is made by the appellant within four weeks from today,

the respondent - Municipal Corporation shall deal with the same in accordance with law within a period of four weeks therefrom and communicate its decision to the appellant on the representation made by him. While granting such liberty, I shall not be understood to have examined the allegation of the appellant regarding alleged unauthorised construction made by defendant no.2.

4. Parties are directed to act on an authenticated copy of this order.

(D.B.BHOSALE,J.)